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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,438	06/28/2001	Michael Bennett	324212007700	8245
20872 7590 02/08/2007 MORRISON & FOERSTER LLP 425 MARKET STREET SAN FRANCISCO, CA 94105-2482			EXAMINER BORLINGHAUS, JASON M	
			ART UNIT	PAPER NUMBER
			3693	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/896,438

Applicant(s)

BENNETT ET AL.

Examiner

Jason M. Borlinghaus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/27/06 & 11/3/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20 - 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20 - 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 20 – 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freishtat (US Patent 6,317,783) in view of Official Notice and Haverstock (US Patent 6,343,607).

Regarding Claims 20 - 21, Freishtat discloses an information portal system comprising:

- a means for authenticating a user (end user) attempting to log onto a portal server (intermediary website). (see col. 12, lines 15 – 21);
- web page means, for presenting to the user a user-specific link to an institution server (access point to provider's page), the user-specific link

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for enabling the user to authenticate (register) itself with the institution server (PI provider) based upon user-institution authentication data (registration information), the authentication of the user with the institution server resulting in authorization of the portal system (PI engine) to receive user data from the institution (PI provider). (see col. 7, lines 18 – 23; col. 14, lines 25 – 30; col. 15, lines 12 – 27);

- means for initiating establishment of a portal-institution (PI engine – Provider) interface for enabling the portal server to authenticate itself with the institution server using portal authentication data (registration information), and to receive the user data (personal information) if the authentication is successful. (see abstract; col. 5, lines 34 – 55; col. 6, lines 33 – 54);
- means for performing on the user data an action (transaction) selected from a first set of actions. (transactions involving electronic PI associated with a particular end user). (see col. 3, lines 4 – 19).
- wherein the actions performed on the user data by the portal are actions selected from a second set of actions (bank account fund transfers) that is a subset of the first set of actions (subset of transactions involving electronic PI). (see col. 3, lines 4 – 19);
- wherein the in the institution is a financial institution (banking & investments, credit cards & mortgages) and the user data is financial

transaction data (bank account balances or other pertinent information of data). (see figs. 4 - 5, col. 3, lines 4 – 19);

Freishtat does not teach an information portal system comprising user-specific link or a plurality of user-specific links, although Freishtat does disclose presenting a customized or personalized presentation of information in a web environment.

Examiner takes Official Notice that the presentation of a user-specific link or a plurality of user-specific links to a user in conjunction with the presentation of a customized or personalized web page is old and well known in the art of information systems.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Freishtat by incorporating the ability to present a user-specific link or a plurality of user-specific links, as is old and well known in the art, to present a personalized presentation of information or a customized user interface to the end user, enabling better ease of use.

Regarding Claim 22, Freishtat does not teach wherein the first set of actions includes conducting a financial transaction and the second set of actions includes viewing user data but the second does not include conducting financial transactions.

Haverstock discloses a computer system wherein the first set of includes conducting a transaction (read and edit functions) and the second set of actions includes viewing data (read only) but does not include conducting transactions (read only). (see col. 5, lines 56 – 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Freishtat and Official Notice by incorporating a role-based or priority-level based security system, as disclosed by Haverstock, delineating the metes and bounds of permissible transactions that can be conducted on the behalf of the end user.

Regarding Claims 23 – 35, Claims 23 - 35 recite similar limitations as claimed in previously rejected claims, would have been obvious based upon previously rejected claims, or are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized.

Response to Arguments

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Following the filing of Amended Claims and Applicant Arguments on 10/27/2006 and the Examiner's Interview on 11/3/2006, Examiner consulted other PTO personnel concerning the instant applicant.

An overwhelming consensus of examiners stated that the claim language utilized in the instant application is exceptionally broad and vastly broader than the intended claim limitations as articulated by the applicant's attorney in the examiner's interview and applicant's arguments. Examiners also believed that prior rejections were based upon Examiner's attempt to read limitations from the specification into the claim

limitations which deviated from PTO policy to utilize the "broadest reasonable interpretation consistent with the specification during the examination of a patent application since the applicant may then amend his claims." See *In re Prater and Wei*, 162 USPQ 541, 550 (CCPA 1969).

For example, Examiner in the previous Office Action utilized prior art reference Rangan to establish user-specific links. Applicant argued that Rangan disclosed "a personalized page having listed plural Internet destinations enabled by hyperlinks" which does not disclose user-specific links. However, using the "broadest reasonable interpretation" Rangan does disclose user-specific links, as Rangan discloses a user-specific web page with hyperlinks and, therefore, the selection of hyperlinks presented would be user-specific.

Examiner believes that difficulties to date with this application are due to semantic differences in claim interpretation between all parties. Hopefully, such differences can be rectified via amendment.

Examiner offers these new grounds of rejection in an attempt to reduce the number of references and, hopefully, better articulate his grounds of rejection. Furthermore, such reduction of references should also clarify issues, should applicant choose to appeal this application to the Appeals Board.

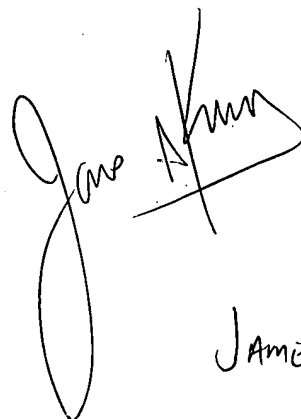
Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


2/5/07
James Kramer